

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) No: CR 03-40122-WHA
12 Plaintiff,)
13 v.) ORDER OF DETENTION
14 RAYMOND REISS,)
15 Defendant.)
16 _____)

17
18 This matter came before the Court on September 27, 2011, for detention hearing in
19 connection with a charge of violating supervised release conditions in the above matter on
20 July 21, 2011. The defendant was represented by Ben Schnayerson, and the government
21 was represented by Benjamin Tolkoff, Assistant United States Attorney.

22 As this matter involves an alleged violation of the terms of defendant's supervised
23 release, the defendant bears the burden of showing by clear and convincing evidence that
24 he does not pose a risk of flight and is not a danger to the safety of another person or the
25 community. United States v. Loya, 23 F.3d 1529, 1531 (9th Cir. 1994); 18 U.S.C.
26 § 3143(a). After conducting a detention hearing, and carefully considering the proffers
27 from the parties and the Probation Department, the Court could not find by clear and
28

ORDER RE
DETENTION
CR 03-40122 WHA

1 convincing evidence that there are a set of conditions of release that can reasonably assure
2 Defendant's appearance as required at court or that he does not pose a danger to another
3 person or the community. The Court's finding was based, in part, on Defendant's long
4 history of Form 12 violations, including violations on July 6, 2010, April 12, 2011, and
5 July 12, 2011. Further, the most recent alleged violation, on July 21, 2011, was
6 uncovered as a result of a search ordered by the district court as a consequence of the
7 earlier violations of supervised release. Defendant's violations of supervised release also
8 appear to be escalating in seriousness. While the Court appreciated that Defendant has a
9 young family and a job and thus an incentive to abide by the terms of his supervised
10 release, his recent history of violations demonstrated that he simply is not amenable to
11 supervision at this time.

12 For the foregoing reasons, Defendant is ordered DETAINED pending resolution of
13 the Amended Form 12 petition filed July 25, 2011.

14
15
16 DATED: September 30, 2011



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE

17
18
19
20
21
22
23
24
25
26
27
28
ORDER RE
DETENTION
CR 03-40122 WHA